

CPC Minutes of November 15, 2011

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, November 15, 2011 at 4:45 p.m. in the Department of the Planning and Development (DPD) 1st Floor Meeting Room, 444 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairman Durkee called the meeting to order at 4:49 p.m.

Members Present: Chairman Stephen Durkee, Vice Chairman Harrison Bilodeau, Ina Anderson and Andrew Cortes

Members Absent: Luis Torrado, JoAnn Ryan and Meredyth Church

Staff Present: Robert Azar, Bonnie Nickerson and Choyon Manjrekar

Approval of meeting minutes from October 18th, 2011: Mr. Cortes made a motion seconded by Ms. Anderson to approve the minutes. All voted in favor.

Director's Report – Update on the Downtown Knowledge District Study

Mr. Azar delivered the Director's report, an update on the status of the Downtown and Knowledge District (KD) study. He said Downtown zoning and the development review process would be updated. The relocation of I-195 would create one base zoning district for Downtown called D-1. The Downcity District would be eliminated, but the principles of design review would apply to all of Downtown. The Downcity Design Review Committee would be renamed the Downtown Design Review Committee and the hierarchy of A and B streets would also apply to the Jewelry District. The height zones in Downtown would be clarified. He said there are currently uses permitted in either the D-1 or D-2 zones, but not in both. The use table would be changed so that similar uses would be permitted in each zone or prohibit uses that may not be appropriate Downtown.

Mr. Azar said design review before a public board would not be required for all projects and that clear design guidelines would be included in the zoning ordinance, which would allow projects to be reviewed by staff. Guidelines for design review would need to be fine tuned. He said projects that were not "as of right" development or required a waiver would be referred to the Design Review Committee.

Mr. Bilodeau asked what the role of the CPC would be in the future. Mr. Azar said the CPC would continue to perform its current functions except for reviewing land development projects in the D-2 zone. A discussion on the role of the I-195 Commission ensued. Mr. Cortes said it looked like DPD staff would have similar powers as the board. Mr. Azar said the functions would have to be fine tuned.

Ms. Nickerson presented the proposed zoning for the east side parcels from the I-195 relocation. She used a map showing parcels 1,2,3 and 5 zoned C-2, Parcel 8 zoned W-2 and parcels 1 and 9 were split between W-2 and residential. She said the zoning would be consistent for all parcels. Parcel 1A would be zoned C-2. Mr. Durkee said the east side pedestrian bridge should be included in the map. Ms. Nickerson said parcels 2, 3 and 5 are zoned C-2, which would apply to those parcels. Parcels 6 and 8 are zoned W-2. Ms. Nickerson said the northern third of parcel 6 be zoned C-2 to align with Wickenden Street and the rest be zoned W-2. Parcel 8 will continue to be W-2. P-1 and Parcel 9 will be open space and R-G to allow for townhouse style development. P-1 was designated open space to replace a park lost during the I-195 relocation. Ms. Nickerson said the design elements being used for the parcels were intended to achieve neighborhood scale development similar to what exists in Fox Point. The zoning and development regulations would be defined going forward.

Mr. Cortes said a map of the parcels showing the pedestrian bridge would be helpful. Mr. Durkee said he believed that the parcels were more suited toward development seen in South Main and North Main Street rather than multifamily housing. Ms. Nickerson said neighborhood scale also referred to development on South Main Street and

buildings with similar treatment and retail storefronts were desired. A discussion on building design ensued. Mr. Bilodeau asked if encouraging retail on buildings included commercial space like offices or other spaces as well. Ms. Nickerson said ideally it would be a use that engages people on the street. Offices could be designed to look like retail storefronts.

1. Comprehensive Plan Update - Presentation of proposed updates to Providence Tomorrow: The Interim Comprehensive Plan based on the results of neighborhood charrettes and public input – for discussion

Ms. Nickerson presented changes to the chapters on Land Use and the Waterfront. She said changes to the Land Use chapter were minor and made it more relevant to current conditions. The Future Land Use Map was changed to reflect an industrial waterfront instead of mixed use. Mr. Durkee said he believed the language was changed to only prohibit residential uses. Ms. Nickerson said a policy change would treat all of Allens Avenue as one category, W-3. Section 12 of the plan refers to the Waterfront Area as Allens Avenue, Port of Providence and Fields Point. All references to residence and residential uses were removed. The Port of Providence will be expanded into the old Fields Point site, which is included in the plan. Ms. Nickerson spoke about the zoning changes, which would occur in the W-3 area. The W-4 zone initially proposed was deleted and residential and mixed uses in the W-3 zone were removed. A footnote requiring commercial uses to be tied to a marine enterprise was removed, allowing for limited commercial activity. The arts and crafts manufacturing use was left in to allow for limited arts activity. Mr. Cortes said the language showed footnotes for use code 56. Ms. Nickerson said they would be removed. Mr. Durkee asked if research uses could be included on Allens Avenue. Ms. Nickerson said they could be explored based on the appropriateness of the use.

Mr. Andrew Teitz said it was his understanding that non water based uses would be reviewed as land development projects to determine conformance with marine uses. He said hospital development should be diverted to Downcity and I-195 land instead of the waterfront. He said references to the waterfront mixed use neighborhood should be removed. Ms. Nickerson said those were references to the Fox Point area. Mr. Teitz said the goal of a mixed use waterfront should be removed. He said he did not want the jobs district overlying only the Port of Providence and all of the waterfront should be zoned the same way.

Mr. Teitz said language on public access to the waterfront should be removed or made consistent with Homeland Security concerns for the port. Mr. Cortes said it may be tedious to repeatedly state that public access should be consistent with Homeland Security concerns. Mr. Teitz said there could be other ways of including the language like a footnote. A discussion on plan changes ensued.

2. Referral 3341 – Petition for underground easement on Thayer Street

Petition for underground easement measuring approximately 230 SF for installation and maintenance of underground conduits and utilities servicing buildings at 315 and 300 Thayer Street. – for action. (College Hill, AP 13 Lot 16 and AP 10 Lot 577)

Mr. Manjrekar introduced the project, for an easement measuring 230 SF on Thayer Street for maintenance of an adjacent building. The applicant provided a draft resolution outlining operation of the easement. The main points stated that no construction would take place in the easement area, there would be no interference with existing utilities, City work would take precedence over activity in the easement area and an insurance policy naming the City as beneficiary would be taken out amongst other measures. Mr. Andrew Teitz, representing the applicant, said the easement was small in area and contained electrical wires and fire alarms. He said the draft resolution had been reviewed by the City Solicitor and was forwarded to the Department of Public Works. Mr. Cortes made a motion, seconded by Mr. Bilodeau to make a positive recommendation to the City Council Committee on Public Works. All voted in favor.

3. Referral 3342 – Petition for Zone Change from R-3 to C-2

Petition for Zone Change to rezone the property at 195 Union Avenue from R-3 to C-2. – for action. (Silver Lake, AP 105 Lot 155)

Mr. Azar introduced the rezoning request, which consisted of extending the C-2 zone to a vacant lot zoned R-3. He said it was the only lot zoned R-3 in an area where other lots were primarily zoned C-2. It was the opinion of the DPD that the rezoning would not have a negative effect on the surroundings. Mr. Cortes made a motion seconded by Mr. Bilodeau to make a positive recommendation to the City Council Committee on Ordinances to approve the requested change. All voted in favor.

4. 325 Angell Street – Waiver from R-P Zone restriction to conduct a fully commercial use

The applicant is requesting a waiver from Sections 422.3 (A) and (B) to conduct a psychology practice in a building in the R-P zone. R-P regulations require a mix of uses with at least one dwelling unit. – for action.

Mr. Azar said the R-P zone is intended to be a mixed use district with commercial uses on the first floor and residential uses on the upper floors. The CPC may grant a waiver from the requirement. Ms. Kelly Morris, who represented the applicant said the current owner, a law firm, intends to sell the property to a buyer who intends to conduct a psychology practice. She said the waiver to operate the law firm was granted by the board in 2006. The proposed office would be a less intense use as a staff of 9 was proposed as opposed to a staff of 15 for the previous use. Ms. Morris submitted affidavits from proximate properties with no objections to the change. She said the Zoning Board granted relief from parking requirements and the applicant has leased parking spaces.

Mr. Bilodeau said he was the applicant's current landlord but did not have a conflict of interest. Ms. Anderson asked if the conditions attached to the staff report were the same as previously granted. Ms. Morris said the condition of the waiver lapsing upon sale of the property would apply and the applicant would make an effort to provide as much parking as required. Mr. David Kolsky said there were some objections related to the property, but couldn't recall what they were. Mr. Bilodeau said they were related to the previous owners' treatment of the building. Mr. Kolsky asked if retaining the R-P zone was viable for Angell Street as parts of it seemed to become more commercial in nature. Ms. Morris said the neighborhood makeup fluctuates and the proposed use was a low impact one.

Mr. Cortes made a motion seconded by Ms. Anderson to approve the waiver. All voted in favor.

5. Parking Lot at 85 South Street – Preliminary Plan Approval

Consideration of proposal to use the former Regal Plating site as a 74 space parking lot during remediation, which requires installation of an asphalt cap over the surface – for action. (Downtown, AP 21 Lots 101, 175, 181 and 182)

Mr. Azar introduced the project and said it was a Major Land Development Project since a parking lot with over 50 parking spaces was being produced. Mr. Patrick Guyda and Mr. Stephen Andrus presented the project. Mr. Guyda said the project had received relief from the Zoning Board of Review. Mr. Andrus said he had met with the City Forester, who approved the revised landscape plan. He said the number of parking spaces had been reduced to 69 from 74, 3 of which are handicapped spaces, two compact and 64 standard parking spaces. Underground storage tanks and contaminated soil were removed, underground water monitoring wells and a vapor extraction were installed as part of the site remediation process for the former metals plating business. He said the intention was to rent about 60 spaces to users like Women and Infants Hospital and Brown University. Work on the site would commence upon obtaining permits. A discussion on the site design ensued. Mr. Andrus said there would be no site lighting as the lot was intended to serve users during daytime business hours and existing streetlights would illuminate the lot.

Mr. Andrus said the landscaping plan was approved by the City Forester and would include planting and replacing 14 trees in the vicinity. Some of the tree pits were irregular to permit handicap access on sidewalks.

Mr. Cortes made a motion seconded by Mr. Bilodeau to approve the motion. All voted in favor.

6. Parking Lot at 70 Royal Little Drive – Preliminary and Master Plan Approval

Proposal to use a portion of the site at 70 Royal Little Drive for approximately 90 overflow parking spaces, to be used by building occupants. The applicant is requesting to combine Preliminary and Master Plan stages of approval – for action. (Charles, AP 72 Lot 564)

Mr. Manjrekar introduced the proposal to create an 86 space overflow parking area for an office building that already had 200 existing spaces. The project was being reviewed as a Major Land Development Project because over 50 spaces were being requested. The parking area, which is currently located on a grassy surface would be paved over with pervious asphalt and landscaped in conformance with Section 425 of the Ordinance. Mr. Azar said the applicant was requesting to combine the Master and Preliminary Plan stages of review. Mr. Brian King of Crossman Engineering presented the plan for the lot that would serve the medical consulting business in the building. Mr. Durkee asked for a clarification of the business function. Mr. King said he believed it was similar to a call center. The request was for extra parking at the north of the building, which already had a paved driveway. He said the parking surface was intended to be gravel but was changed to porous asphalt based on comments received from the Technical Review Committee. The drainage report showed that the asphalt would improve drainage conditions. Mr. King said there would be 286 total parking spaces with landscaping provided as depicted on the plan.

Mr. Azar said this area was part of an old redevelopment project and urban renewal area that was developed in a suburban manner. He said it was not very accessible from adjoining neighborhoods and not very well served by public transport. The DPD is not generally in favor of this style of development, but there was demand for parking and the applicants were trying to meet it on site. Mr. Durkee said it resembled industrial park development. Ms. Anderson asked if a green roof had been considered for the flat roof. Mr. King said they had not. Mr. Bilodeau asked about site lighting. Mr. King said there were four wall packs on the side of the building that would provide lighting.

Mr. Cortes made a motion, seconded by Mr. Bilodeau to combine Master and Preliminary Plan stages of Development. All voted in favor.

Mr. Manjrekar read out the DPD's staff report, which found the project to be in conformance with the Zoning Ordinance and Comprehensive Plan. The report included recommendations from the Building and Public Works Departments to put up signs saying the lot should not be sanded and a maintenance plan for the lot should be recorded with the title of the property. Mr. Durkee asked if a mechanism to report the maintenance efforts could be included. Mr. King said a maintenance checklist was provided and could be used to determine if the lot was being properly maintained. Mr. Durkee said annual scheduled maintenance should be included as a condition of approval. Mr. Azar said it was a good idea as the drainage calculations were based on the drainage system being able to absorb a certain amount of water. Mr. Bilodeau asked how the maintenance would be enforced. Mr. Azar said the plan would be sent to the department of public works. A discussion on site maintenance ensued.

Mr. Cortes made a motion seconded by Ms. Anderson to approve the master and preliminary plan stages with the conditions that signs preventing sanding be put up, a maintenance plan is recorded with the title, an annual maintenance report be sent to the Department of Public Works and that final plan approval be designated to DPD staff. All voted in favor.

Mr. Cortes made a motion seconded by Mr. Bilodeau to adjourn the meeting.

The meeting adjourned at 6:45 pm.

Respectfully Submitted,



Choyon Manjrekar,
Recording Secretary